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China's New Administrative Measures on Seed Production and Operation

Report Categories:

Planting Seeds

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Report Highlights:

China's Ministry of Agriculture released its draft Administrative Measures on the License of Seed Production and Operation in early October. The new policy is expected to significantly increase the entry threshold for the seed sector by increasing the registration capital requirements for seed production and operation both for hybrid and genetically modified (GM) seeds. Post contacts expect the new policy will be ratified in 2011.

This report is NOT an official translation of this document.

General Information:

China's Ministry of Agriculture released its draft Administrative Measures on the License of Seed Production and Operation in early October. The new policy is expected to significantly increase the entry threshold for the seed sector by increasing the registration capital requirements for seed production and operation¹ both for hybrid and genetically modified (GM) seeds. Post contacts expect the new policy will be ratified in 2011. The significant changes of the new policy include:

1. The registration capital requirements for seed production and sales are significantly increased.
 - For hybrid corn and rice production, the minimum registration capital is increased from RMB 5 million to RMB 30 million.
 - For convention seed production, the minimum registration capital is increased from RMB 1 million to RMB 5 million.
 - For hybrid corn and rice sales, the minimum registration capital is increased from RMB 5 million to RMB 30 million.
 - For convention seed sales, the minimum registration capital is increased from RMB 1 million to RMB 5 million.
 - For seed import and export business, the minimum registration capital is increased from RMB 10 million to RMB 30 million.
 - And for vertically integrated businesses that work in seed breeding, production, and operations, the minimum registration capital is increased from RMB 30 million to RMB 100 million.
2. The new measure introduces new requirements for GM seed production and distribution business management, while the old policy does not provide any specific laws.
 - For GM corn, rice, and wheat seed production, the minimum registration capital is RMB 100 million.
 - For other GM seed production, the minimum registration capital is RMB 30 million.
 - For GM corn, rice, and wheat seed sales, the minimum registration capital is RMB 100 million.
 - And for other GM seed sales, the minimum registration capital is RMB 30 million.

¹ Operation refers to activities including but not limited to marketing, processing, distribution, trade, and sales.

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The Administrative Measures for License Management of Crop Seed Production and Operation

(Draft)

Chapter 1 General Rules

Article 1 To strengthen the license management of crop seed production and operations, and to standardize the production and management/operation of seeds, in conformity with *Seed Law of the People's Republic of China* (“*Seed Law*” in short) and *The Regulations on Safety Management of Agricultural Genetically Modified Organisms (GMO)*, these measures are formulated.

Article 2 The application, examination, approval, and supervision of the production and operation licenses of primary crop seeds and GM crop seeds shall be subject to the measures herein.

Article 3 Governmental agricultural administrative authorities at the county or higher level shall be in charge of the collection of applications, examination, and approval of the crop seed production and operating licenses.

Article 4 The agricultural administrative authorities responsible for examining and approving the crop seed production and operation license shall issue a public bulletin on the conditions and procedures for applying for the crop seed production and operation license at the office site under the laws.

Article 5 Seed production and operation enterprises approved by agricultural administrative authorities shall comply with safety rules for the seed industry and agricultural production, facilitate the improvement for selective breeding and production of crop varieties, and shall facilitate fair competition and not interfere with the order of seed market or cause monopolization, or unduly eliminate and limit competition.

Chapter 2 Production License

Article 6 A license system shall prevail for the production of commercial primary crops² [2] and GM seeds.

A primary crop seeds production license shall be examined by governmental agricultural administrative authorities at the county level at the production site and be approved by governmental agricultural administrative authorities at the provincial level.

A GM seeds production license shall be examined by governmental agricultural administrative authorities at the provincial level at the production site and be approved by the Ministry of Agriculture.

Article 7 An application for a primary crop seed production license shall comply with Article 21 in *Seed Law* and meet the requirements as follows:

(I) Minimum registration capital for the application of a production license for hybrid rice and hybrid maize seeds is RMB 30 million, with fixed assets no less than RMB 15 million; and the minimum registration capital for the application for a production license for other primary crop seeds is RMB 5 million, with fixed assets no less than RMB 2.5 million. At least 70 percent of a company's fixed assets shall be directly used in seed production.

(II) The produced variety shall have passed the variety registration.

(III) The applicant shall have at least 2 purity analysis desks, electronic scales, counting and planting equipment, electrophoresis systems, electrophoresis tanks, sample mullers, ovens, bio-microscopes, refrigerators (in good conditions), electronic balances (reciprocal sensibility 1/100, 1/1000 and 1/10000), and at least 3 sampling devices, sample distributors, and burgeoning boxes. Applicant must have a testing room over 150 m². A hybrid maize and hybrid rice seed production license applicant shall have a PCR instrument, pH meter, high-pressure sterilizing pot, magnetic stirring apparatus, constant temperature water bath, high-speed refrigerated centrifuge, and complete pipette. The applicant should fully own the above-mentioned instruments and equipment.

(IV) An applicant should have a warehouse over 500 m², sunning ground over 1000 m², or relevant drying equipment. The applicant should fully own the above-mentioned fields and facilities.

(V) The applicant should employ at least four professional seed production technicians and seed inspectors (covering farm inspection and indoor inspection categories) who successfully passed an exam of the agricultural administrative authorities of the government at a provincial or higher level. Moreover, hybrid rice and hybrid maize seed applicants should employ at least six seed production technicians and seed inspectors (covering farm inspection and indoor inspection categories). The aforementioned employees shall have a labor contract with the applicant.

(VI) Has no harmful quarantine organisms at the production site.

(VII) Complies with the separation and production conditions specified in the regulations on seed production.

² According to Seed Law of China, primary crops refer to rice, wheat, corn, soybean, cotton. The Seed Law also authorizes the Ministry of Agriculture and provincial agricultural authorities to further add one to two local primary crops to the definition. For example, the Ministry of Agriculture has also added rapeseed and potato as primary crops.

(VIII) Has received approval from the owner or developer of the seed variety for seed with new plant variety right before production commences.

Article 8 The application for the production license of GM crop seed shall comply with Article 21 of *Seed Law* and *The Regulations on Safety Management of Agricultural Genetically Modified Organisms (GMO)* and meet the requirements as follows:

(I) The applicant should acquire a biosafety certificate and receive variety registration.

(II) To be eligible to apply for a license for GM rice, maize & wheat production, minimum registration capital is RMB 100 million, and an applicant's fixed assets shall be no less than RMB 50 million. Minimum registration capital for other GM seed production license is RMB 30 million, and an applicant's fixed assets shall be no less than RMB 15 million. At least 70 percent of these fixed assets shall be directly used in seed production.

(III) The seed inspection facility and all the equipment shall comply with Item 3 of Article 7 herein. Moreover, the applicant should have specific GM ingredient testing instruments such as a high-speed centrifuge, enzyme meter, washer, and gel imaging system.

(IV) The seed warehouse and sunning ground shall comply with Item 4 of Article 7 herein.

(V) Seed production technicians and inspectors shall comply with Item 5 of Article 7 herein, and at least four GM seed inspectors shall be available.

(VI) The production area shall be located in the region specified by the GM safety certificate and have no harmful quarantine organisms.

(VII) The applicant shall comply with the separation and production conditions specified in the regulations on seed production and all GM seed production requirements.

(VIII) The applicant has received approval from the owner or developer of the seed variety before production commences.

Article 9 The seed production license applicant shall submit his application to the examining authorities stipulated in Article 6, herein, within 50 days before planting.

Article 10 The seed production license applicant shall submit the following materials to the examiner:

(I) Seed production license application form.

(II) Certificate of registered capital and fixed assets, a list containing prior seed inspections, equipment, and a copy of purchase invoices; evidence of property rights to seed inspection and storage sites; and introduction and field photos of relevant facilities and equipment.

(III) Qualification certificate and employment labor contract(s) for seed production and inspection technician(s).

(IV) Quarantine certificate of seed production site.

(V) Certificate of variety registration. For the production of seed with a new plant variety right, written consent from the variety owner is required.

(VI) Descriptions on safety quarantine and conditions of seed production.

Article 11 Besides the literature required in Article 10 herein, the following shall be provided in the application for a GM crop seed production license:

(I) GM crop seed biosafety certificate.

(II) GM testing technician qualification certificate and employment labor contract.

(III) Descriptions on the production safety management and prevention measures of GM crop seed.

Article 12 The following procedures shall prevail for the application, examination, and approval of the seed production license:

(I) The applicant shall submit the application to the examining authority in conformity with Article 6 herein.

(II) The examining authority shall complete the examining work in 20 working days after receiving the application.

(III) The approving authority shall complete the approval in 20 working days after receiving the results of the examination and application materials, and if approved will issue a seed production license and officially announce the approval in the bulletin for qualified applications; otherwise, it shall return the application to the examining body and explain the reasons for rejection. The examining body shall provide written notification to the applicant on why the application was rejected.

Article 13 The seed production license shall indicate the license number, name, and residence address of the producer, total registered capital, legal representatives, place where license was issued, date of issue, type of crop produced, seed variety name, seed registration number, number of new plant varieties, total production acreage, the location of production (details including the county name) etc.

Article 14 The total seed production acreage of each year shall be subject to the limitation of the enterprise's registration capital. For every RMB 10,000, a maximum of 10 mu for hybrid seed is allowed; for every RMB 10,000, a maximum of 20 mu is allowed for other seeds; and for every RMB 10,000 a maximum of 5 mu for GM seeds. The acreage of different crops in the same production period shall be consolidated together.

Article 15 The seed production license shall be valid for one year and approved during the year of production. During the validity period of the production license, only one production license can be issued when the applicant applies to the same approver to expand production of the same crop.

Chapter 3 Operation License

Article 16 All seed operations shall have a licensing system.

An agricultural administrative authority of the county government at the location of seed operation shall examine a crop seed operation license, and an agricultural administrative authority of the provincial government shall approve a crop seed operation license.

The provincial government agricultural administrative authorities and Ministry of Agriculture shall examine and approve the following crop seed operation license:

(I) Operation license for seed import and export.

(II) Operation license for a vertically integrated company that does breeding research, seed production and other operations.

(III) Operation license for GM crop seed.

Article 17 A hybrid maize and hybrid rice seed operation license application shall comply with Article 29 in the *Seed Law* and the applicant must meet the following requirements:

(I) Have a minimum RMB 30 million in registered capital, in which the fixed assets shall be no less than RMB 15 million (a minimum 70% of the assets shall directly be used in seed operations).

(II) Seed inspection facility and equipment shall comply with Item 3 of Article 7 herein.

(III) Seed warehouse and sunning ground shall comply with Item 4 of Article 7 herein. The area of the operation site shall be over 300 m².

(IV) Seed processing equipment must be available, including a total processing capacity no lower than 10 t/h and a processing workshop over 500 m². The applicant must own or have rights to operate the facility.

(V) Have at least six professional technicians for seed processing, at least four technicians for seed storage, and at least six seed inspectors (covering sampling and indoor inspection categories) who passed the provincial (or higher level) agricultural administrative authorities of the people's government exam. The applicant shall have labor contracts for all hired personnel.

Article 18 Other crop seed (except hybrid maize and hybrid rice) operation license applications shall comply with Article 29 of the *Seed Law* and meet the following requirements:

(I) Include a minimum RMB 5 million of registration capital, in which fixed assets shall be no less than RMB 2.5 million. A minimum 70 percent of all assets shall be directly used in seed operations.

(II) Seed inspection equipment shall comply with Item 3 of Article 7 herein. The testing room area shall be over 100 m².

(III) The applicant shall have over 300 m² of warehouse space and over 500 m² of sunning ground or relevant drying equipment. The applicant shall own or have rights to use the property and facilities; and the operation site area shall be over 200 m².

(IV) Conventional rice and wheat seeds seed processing equipments shall have a processing capacity of over 10 t/h; soybean, cotton & rape seed shall be over 3 t/h. Cotton seed equipment shall be equipped with a chemical cottonseed dehairing device; and other seed processing equipment shall have other relevant additional devices. The seed processing workshop shall be over 500 m². The applicant shall own or have legal rights to operate at the above-mentioned workshops and facilities.

(V) The applicant shall have at least four seed processing professional technicians, at least three seed storage technicians, and at least four seed inspectors (covering sampling and indoor inspection categories) who passed the provincial (or higher level) agricultural administrative authorities exam. The applicant shall provide all employees with a labor contract.

A crop seed operation license must comply with Item 1 of the preceding article, and follow specifications provided by provincial agricultural administrative authorities that describe seed inspection, processing facilities, equipment, and personnel.

Article 19 A corporation that trades seed shall comply with the conditions in Article 29 of the *Seed Law* and must meet the following requirements in order to apply for a seed operation license:

(I) Have a minimum RMB 30 million in registration capital and no less than RMB 15 million in fixed assets. A minimum 70 percent of all assets shall be used in seed production and operations.

(II) The provincial or higher level commerce authorities must verify foreign trade qualifications.

(III) The applicant must meet the other conditions and seed operation license requirements in the above measures.

Article 20 The GM crop seed operation license application shall comply with Article 29 of the *Seed Law* and *The Regulations on Safety Management of Agricultural Genetically Modified Organisms (GMO)* and must also meet the

following requirements:

(I) The applicant must obtain a GM biosafety certificate and finish the seed variety registration.

(II) Minimum registration capital for a GM rice, maize, and wheat seed operation license application is RMB 100 million with fixed assets no less than RMB 50 million. Other crops GM seed operation license applicants need a minimum registration capital of RMB 30 million, and fixed assets no less than RMB 15 million. A minimum 70 percent of all fixed assets shall be directly used in seed operations.

(III) Seed inspection, facilities, and equipment, seed warehouse, and sunning ground shall comply with Item 3 and 4 of Article 7 herein.

(IV) Applicant shall have at least six professional seed processing technicians, at least six seed inspectors (covering sampling and indoor inspection categories) who passed the provincial level (or higher) agricultural administrative authorities exam. Seed inspectors shall cover GM inspection. All personnel should have a labor contract.

(V) An operation that uses a seed that has plant variety right protection shall have approval from the owner.

(VI) The operation shall meet the non-GM seed operation license requirements as stated in the measures.

Article 21 A vertically integrated company that does breeding research, seed production, and other operations, shall have registration capital over RMB 100 million, comply with condition Article 29 of the *Seed Law*, and also meet the following requirements when applying to the Ministry of Agriculture for a seed operation license:

I. Fixed assets shall be no less than RMB 50 million, and a minimum of 70 percent of all fixed assets should be used in seed production.

(II) All seed inspection equipment shall comply with Paragraph 1 of item 3, Article 7. The testing room should be over 200 m².

(III) The warehouse area should be over 1500 m². The sunning ground should be over 3000m², or other relevant drying equipment should be available. The applicant should own or have the right to use the above facilities. The total operation site shall be over 500 m².

(IV) Seed processing equipment shall comply with Item 4 of Article 17 herein. For hybrid maize and hybrid rice seed operation license applications, the applicant should have seed drying equipment, with a processing capacity over 20 t/h and a processing workshop area of at least 800 m². In applying for other crop seeds, the processing capacity and processing workshop area shall meet the crop requirements to acquire the seed operation license. The applicant shall own or have rights to use the above workshops and facilities.

(V) The applicant shall have at least six professional seed production, processing, and storage technicians, and at least six seed inspectors (covering sampling, indoor inspection, and farm inspection categories) who passed the provincial (or higher level) government agricultural administrative authorities exam. The applicant shall have a labor contract for all personnel.

(VI) The applicant should have a specialized breeding department, full-time breeding personnel, and a stable budget. The privately-owned research lab area should be over 300m², and stabilized breeding acreage should be over 100 mu. The applicants shall be able to conduct multi-point variety testing at different ecological zones nationwide, and have completed a variety evaluation system. Over five full-time researchers at the intermediate or higher level shall be engaged in scientific research on breeding. Regarding the production and operation of primary crop seeds, the applicant needs a minimum of one senior researcher for a single crop in scientific research on breeding. All personnel shall have a labor contract.

(VII) For the application of operation license of primary crop seeds, the applicant should provide at least one primary crop variety that passed national variety registration in the last 10 years. The variety's breeding selection should be completed by the business applicant or jointly completed with a scientific research entity. However, joint applications should be in the name of the business applicant. Alternatively, the applicant may also provide a minimum of five primary crop varieties (and a minimum of two different crops) that have passed provincial registration (excluding the introduced variety). For the application of the operation license of non-primary crop seeds, the applicant should provide a minimum of five varieties with new Plant Variety Protection (PVP) right granted within the last 10 years. The varieties' breeding selection should be completed by the business applicant or jointly completed with a scientific research entity, and the PVP should be applied in the name of the business applicant. The volume of self-owned varieties should account for over 50 percent of the applicant's total business volume and over one percent of the seed's national market for a consecutive three years. Varieties that have intellectual property right (IPR) protection shall account for over 20 percent of the applicant's total business volume. (JOSHUA E LAGOS:)

(VIII) The primary crop seeds operation license applicant should have a minimum of 5000 mu of stable seed production acreage; and for other crops a minimum production acreage over 500 mu.

Article 22 The following procedures shall prevail for the application, examination, and approval of the seed operation license:

(I) The applicant shall submit the application to the examining body in conformity with Article 16 herein.

(II) The examination will be completed in 20 days after receiving the application. The examiners shall inspect the operation site, processing & storing facilities, and will inspect the facility and equipment on site. The examiners will submit their evaluation to the approving board for further consideration; otherwise, the applicant shall be notified in writing on why the application was rejected.

(III) The approving authority shall complete the approval in 20 working days after receiving the results of the examination and application materials, and if approved will issue a seed operation license and officially announce the approval publicly; otherwise, it shall return the application to the examining body and explain the reasons for rejection. The examining body shall provide written notification to the applicant on why the application was rejected. The approving body can conduct a field audit if necessary.

Article 23 The seed operation license applicant shall offer the following documentation to the examiners:

(I) Crop seed operation license application.

(II) Registration capital certificating document, such as a capital verification report or an assets assessment report that was issued within 180 days before the date of application (or an audit report and capital verification report). Also, the applicant should submit a certification document that provides basic information such as the applicant's business' capital structure.

(III) Seed inspections, processing facilities, and equipment lists, purchase invoice copies; property right certificates of seed inspection, processing, drying and storage sites; and descriptions and photos of relevant facilities and equipment.

(IV) Qualification certificate or a copy of valid labor contracts for seed inspection, processing, and storage technicians.

(V) Other descriptions and documentation as required.

Article 24 An applicant engaged in seed trade shall provide a copy of the Record Filing and Registration Form of Foreign Trade Operators.

Article 25 The vertically integrated applicants who does breeding research, seed production and other operations shall submit the following documents in addition to those listed in Article 23 in applying to the Ministry of Agriculture for the crop seed operation license:

(I) Descriptions of the breeding institution, facilities, and equipment, including field photos and legal documents that prove property ownership.

(II) Proof of education and professional titles of breeding personnel and labor contracts for full-time employment.

(III) Variety registration certificate or new plant variety right certificate, and proof of the independent production and operation right for a variety, the applying seed's volume and value in the last three years (excluding the year of application), information of its national market share, including descriptions of seed value and volume, and documents that prove IPR ownership.

(IV) Has documents that prove three consecutive years of the production bases, including over 10 copies of the seed production contracts, seed production sites (village, township, county and province), and the names of the villages, relevant contacts, telephone numbers, and seed production acreages (table allowed).

Article 26 For the GM seed operation license application, the following documents shall be provided in addition to those in Article 23:

(I) GM biosafety certificate and variety registration certificate.

(II) Written opinions of the variety owner and gene right owner.

(III) Qualification certificate and copies of the GM testing personnel labor contract.

(IV) Descriptions of GM seed inspection facilities and equipment, field photos, and valid property rights documents.

Article 27 Seed operation license shall indicate the following items:

(I) License number, in the format of "(X) Agricultural Seed Operation License (ASOL) (XXXX) No.X", and the 1st brackets with the license abbreviation from the issuing body while the 2nd bracket will include the year and the series number.

(II) Operator's name, residential address, legal representative, and registration capital.

(III) Valid period and region of the license. The valid region shall be filled in as the administrative region, and at a minimum as the county level (it could also mention the jurisdiction scope of the approving body), which is determined by the approving body.

(IV) The scope of the seed operation shall be filled with either a crop name if it is a primary crop; otherwise, the crop name or crop category should be used.

(V) The type of sales i.e. wholesale, retail or import and export.

(VI) License issuing body and date of issuance.

Article 28 The seed operation license shall be valid for five years. During the validity of the license, the license can be altered but must follow procedures as outlined in these measures, including providing all relevant documents.

For operation license renewals, the applicant shall apply for renewal of the license in conformity with the procedures and the required documentation in the measures at least six months prior to expiration. The license number shall not be

changed when the operation license is renewed. If the renewal application license is not approved, the original license number can remain valid up to one year after expiration, and then will automatically be cancelled.

If a new application is sent after expiration or to alter the operation license, copies of the original seed operation license and business license as well as proof of seed operation during the period of license validity shall be provided. If a new application is submitted after a license expired for a selective breeding, producing, and operating, the company must submit the last 5 years of information on the scientific research department (including outlays, breeding conditions, and scientific research personnel), and a description of the variety (such as the accredited variety, the regional test variety, and the protection application variety) and other relevant literature.

Article 29 Seed operators (including the operator with the sole operation of packaged seed with no sub-packing) shall operate within the valid region specified in the seed operation license. The variety shall not be operated outside the applicable region, especially where specified in the GM biosafety certificate.

Seed operators shall set up branches in the region specified by the license and register with the administrative authorities in charge of industry and commerce, and report to the examining and approving seed operation license boards within 15 days after obtaining the business license. The legal representation, business scope, operation mode (trade, wholesale) shall not exceed that of superior enterprises. Copies of the seed operation license and business license, as well as the residence, operation mode, contact name, and office telephone shall be submitted and used for reference.

Chapter 4 Supervision and Management

Article 30 Seed producers shall produce seed in conformity with the seed production license, set up a seed production archive, report where the seed is produced (county, township and village name), including providing the variety name, production area, main village contacts (over three persons for each county), and other requested information to the county level government agricultural administrative authorities within 30 days after planting. County government (or higher level) agricultural administrative authorities shall summarize the information and report to the Ministry of Agriculture.

Agricultural administrative authorities shall maintain the confidentiality of where the seed producer is located, and will report GM crop seed production safety measures. County or higher level agricultural administrative authorities shall supervise seed processing and require immediate solutions in case seed production violates the regulations.

Article 31 Seed operators shall carry out seed operations in conformity with the seed operation license, set up the seed operation archives, and report the main operation activities from the previous year to the license issuing body before the end of May each year, which shall sum up reporting requirements on the seed operation that need to be given to the Ministry of Agriculture.

Article 32 No report on seed production and operation in conformity with Article 3 & 31 herein shall be treated as production and operation suspension.

Article 33 The license issuing body shall be entitled to regulate and control the scale and operation of seed production of any business that has formed a monopoly in a regional seed market for a particular crop.

Article 34 If a seed producer or operator have suspended operation for over one year or failed to meet the production and operation conditions or rectify any problems within a given time period within the valid license period, the license issuing body shall cancel the license and announce this cancellation in the bulletin.

Article 35 If an applicant hides information or submits false literature in applying for the seed production and operation license, agricultural administrative authorities shall issue public warnings and reject the license application. An application will not be accepted from the company for a period of one year.

If an applicant acquires a license through bribery or any improper means, agricultural administrative authorities shall issue a public warning notice and cancel the license. An application will not be accepted from the company for a period of three years. If a seed producer or operator produces fake or counterfeit seed, the county or high level agricultural administrative authorities will order a suspension of production and operation and cancel the seed production and operation license. An application will not be accepted from the company for a period of five years.

Article 36 The superior administrative body shall supervise and inspect the inferior administrative body operations, specifically in issuing seed production and operation licenses. In the case of any infractions, and the license issuing body shall no longer be allowed to issue licenses, and the head chief will be directly liable including any other parties. Criminal liabilities shall also be investigated in cases where:

- (I) A seed production or operation license is not issued in the jurisdiction of the approval.
- (II) Approval standards are arbitrarily lowered for a particular seed production and operation license.
- (III) Any other cases where a seed production and operation license is not issued legally.

Article 37 In canceling a seed production or operation license, agricultural administrative authorities shall notify the authorities in charge of industry and commerce of the cancelation or any alterations of the business license within 15 days.

Article 38 Agricultural administrative authorities shall establish an online inquiry system on seed production & operation licenses and announce relevant license issuing information.

Chapter 5 Supplementary Articles

Article 39 Seed in the Measures shall be referred to as a crop seed in Paragraph 2, Article 2, of the *Seed Law*. Hybrid seed and GM seed in the Procedures shall include parent seed or original seed. A seed that is inapplicable for processing in the Procedures shall refer to the crop breeding material in non-seed form, such as fruit, root, stalk, seedling, buds and leaves.

Article 40 Primary crops in the Measures shall refer to the crop stipulated in Item 3, Paragraph 1, Article 74, *Seed Law*.

Article 41 The completed equipment for seed processing in the Measures shall refer to the seed processing system, in which the mainframe and auxiliary system are: 1) compatible with each other; 2) fixed and installed within processing workshop; and 3) undergo functions such as seed selection, coating, metering and packaging. The mainframe shall mainly include the pneumatic jig separator (the aspiration component shall be set up with front and back suction channels and twin deposition chambers; the separation component shall have over a three-layer sieve plate), weight-type scalping machine, computer-metering packing, and a code-spraying device (with metering license); and the auxiliary system shall mainly include a delivery system, storage system, dust-removal system, purity removal system, and an electric control system.

Hybrid rice seed processing equipment shall include a pocket cylinder scalping machine that can complete the long scalping operation.

Article 42 Crop seed production and operation license shall be printed by the Ministry of Agriculture.

Article 43 The Measures shall take effect from _____. *The Administrative Measures on the Management of Crop Seed Production and Operation Licenses* issued as No.48 Order in 2001 and revised from No.38 Order in 2004 by the Ministry of Agriculture shall be abolished on the day when the Measures takes effect. Former seed production and operation licenses shall be abolished on December 31, 2010 and December 31, 2012 respectively.

Appendix 1

Primary Crop Application Form for Production License (Sample)

() ASPS () No.

Applying unit			
Legal representative		ID number	
Residence			
Address		Postal code	

Contact				Telephone			
Application items	Crop species						
	variety name						
	Accreditation number						
	Number of new plant variety right						
	Number of safety certificate of agricultural GM						
	Production site						
	Production area						
Application conditions	Registered capital of the applicant		Fixed assets		Ratio of fixed assets used in seed production and operation		
	Seed production technician						
	Seed inspector						
	Seed GM ingredient inspector						
	Applying unit	Opinions of examining body		Opinions of approving body			
	Chief (cachet) Date	Chief (cachet) Date	Chief (cachet) Date				
Result	Reason of failure		Chief				
			Handled by				
			License number				

Printed by the Department of Agriculture of X X X Province

Note: This form is provided in a triplicate. In other words, an approving body, examining body and applicant will each have a copy.

Appendix 2

Conventional Seed Production License (Sample)

No.XXXXXXX (Serial number)

License number	(X)(X) ASPL (XXXX) No.XXXX, the 1 st bracket includes the abbreviation of the license issuing body, the 2 nd bracket contains the crop species e.g. rice, wheat, maize, cotton, soybean, rape and potato; the 3rd bracket contains the year, and the running number.
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Enterprise name							
Legal representative							
Residence							
Registered capital of applicant							
Crop species	Regular rice	wheat	maize	Regular cotton	soybean	Regular rape	potato
	hybrid rice	wheat	maize	hybrid cotton	soybean	hybrid rape	potato
variety name	Accreditation number		Number of new plant variety right		Production site		Production area
License issuing body							
Validity period till	Year			Month			Day

Printed by the Department of Agriculture of the People's Republic of China

Appendix 3

Application Form for Crop Seed Operation License (Sample)

() ASOS () No.

Applying unit			
legal representative		ID number of	

		legal representative			
Residence					
Address					Postal code
Contact		Telephone			
Application items	Crop species for operation				
	Operation mode				
	Validity region				
Application conditions	Registered capital of applicant		fixed assets		Ratio of fixed assets used in seed production and operation
	Seed inspection technician (name)			seed processing technician (name)	
	Seed storage technician (name)			Senior researcher for scientific research on breeding (name)	
	Capacity of complete equipment for seed processing		t/h	Area of seed processing workshop (M ²)	
	Testing room area (M ²)			Area of seed warehouse (M ²)	
	Area of seed sunning ground (M ²)			Area of operation site (M ²)	
	Area of lab (M ²)			Proprietary variety (qty)	
GM variety	variety name	Number of safety certificate of agricultural GM		Accreditation number	Number of new plant variety right
Applying unit		Opinions of examining body		Opinions of approving body	
Chief (cachet)				Chief (cachet)	

Date		Chief (cachet) Date		Date	
Result	Reason of failure		Chief		
			Handled by		
			License number		

Note: This form is provided in a triplicate. In other words, an approving body, examining body, and the applicant will each have a copy. Printed by the Department of Agriculture of X X X Province

Appendix 4

Operation License of Crop Seed (Sample)

License number	() ASOL () No. Rules □n t□e number
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Unit name										
Residence										
legal representative										
Registered capital of applicant										
operation Crop species	hybrid rice					hybrid maize				
	Regular rice	wheat	cotton	soybean	rape	potato				
	Other non-primary crop seeds, filled in by category, such as non-primary crop seed, oil plants, vegetables, flowers, sugar, hemp, fruit free, Chinese medicinal plant, edible fungus seed (seedling) and etc.									
	GM crop									
Crop species	Variety name	Number of safety certificate of GM organism			Accreditation number		Number of new plant variety right			
Operation mode										
Validity region										
License issuing body (cachet)										
Validity period till	year	month	day							

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Appendix 5

List of Production Information of Main Crop Seeds for Reference (Sample)

Name of seed production unit (cachet):

Referencing Date:

Number of seed production license				
Ref.	Crop species	variety name	Production area (mu)	Production site
				County (city) Town (township) village
Total				

Note: This form will be a duplicate. Both the referencing body and seed production unit will have a copy. Printed by the Department of Agriculture of X X X Province

Appendix 6

List of Operation Information of Seeds for Reference (Sample)

Name of seed operation unit (cachet):

Reference Date:

Number of seed operation license				
legal representative		Registered capital of the applicant	RMB10,000	
Validity region				
Ref.	Crop species	variety name	Operation qty (10,000kg)	Operation amount (RMB10,000)
Total				

Note: This form will be a duplicate. Both the referencing body and seed production unit will have a copy. Printed by the Department of Agriculture of X X X Province